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VITAL PHARMACEUTICALS, INC.

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**

CYTOSPORT, INC.,

Plaintiff,

vs.

VITAL PHARMACEUTICALS, INC.,

Defendant.

Case No. 2:08-cv-02632-FCD-GGH

ORDER RE

**(1) MOTION TO AMEND ANSWER
(#100);**

**(2) LEAVE TO FILE THIRD
AMENDED COMPLAINT AND
AMEND ANSWER WITH
COUNTERCLAIM; AND**

**(3) EXTENSION OF DISCOVERY
CUT-OFF DATE**

Disc. Cut-Off: April 10, 2010
Trial Date: None Set

The Court, having reviewed the parties' Stipulation Requesting Order Permitting Amendment Of The Pleadings (the "Stipulation), and good cause appearing therefor, hereby ORDERS as follows:

1. The Amended Answer, Affirmative Defenses, and Counterclaim, attached to the Stipulation as Exhibit 1, is deemed filed and served on the date of entry of this order;

2. The Third Amended Complaint, attached to the Stipulation as Exhibit 2, is deemed filed and served on the date of entry of this order;

3. The discovery cut-off date is hereby extended from April 10, 2010, to

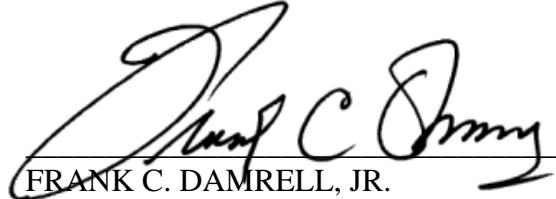
July 31, 2010;

4. The Motion To Amend Answer And Affirmative Defenses To State Counterclaims (#100) is taken off calendar as moot;

4. The parties shall have 20 days from on the date of entry of this order to respond to the amended pleadings.

IT IS SO ORDERED.

DATED: December 7, 2009



FRANK C. DAMRELL, JR.
UNITED STATES DISTRICT JUDGE

Presented by:

Eisenberg Raizman Thurston & Wong LLP

By: _____/s/

Adam J. Thurston

Attorneys for Defendant

VITAL PHARMACEUTICALS, INC.